IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 10519 of 2005(B)

PETITIONER:

K.VIJAYAKUMAR, AGED 45 YEARS,
S/O. KARUNAKARAN, PROPRIETOR,
AISWARIA ADVERTISING INDUSTRIES, 2ND FLOOR,
CARMEL BUILDINGS, BANERJI ROAD, ERNAKULAM.

BY ADV. SRI.K.B.SURESH

RESPONDENTS:
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1. **THE CORPORATION OF KOCHI,**
   REPRESENTED BY ITS SECRETARY, PARK AVENUE,
   KOCHI-11.

2. **STATE OF KERALA, REPRESENTED BY THE**
   SECRETARY, LOCAL ADMINISTRATION, GOVT.OF KERALA,
   THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC.COCHIN CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.10519 of 2005-B

Judgment

The petitioner is running an advertising agency. He feels aggrieved by the grant of the right to exhibit hoardings in lamp posts to private contractors, based on private negotiations. According to him, it should be done only after public notification and invitation of tenders. So, he has filed Ext.P1 representation to the Secretary of the Corporation of Kochi, praying to invite tenders for grant of the right to exhibit hoardings in lamp posts. Thereafter, this Writ Petition is filed, seeking the following reliefs :

> *"a) Issue a writ of mandamus or other appropriate writ, direction or order, compelling the 1st respondent to take immediate steps to competitively tender out the right to establish hoardings on lamp posts with the frame work of law and natural justice.*
>
> *b) Issue a writ of mandamus or other appropriate writ, direction or order, commanding the respondents not to make private arrangements for dealing with the resources of the Corporation of Kochi."*

2. The Corporation has filed a counter affidavit, stating that it has decided to grant the right to exhibit hoardings to the previous contractor for a further period of three years.

3. Since the affected contractor is not impleaded in this Writ Petition, no relief could be granted to the petitioner. But, the farming out of the right without public tenders by a statutory body like the Corporation is unjustified. So, the Corporation shall, in future, award contracts farming out the right to exhibit hoardings etc., only after public tenders. Only in exceptional cases and on special grounds, such rights shall be farmed out without public tenders.

The Writ Petition is disposed of as above.

10.12.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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